

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 24 February 2000 (24.02.00)	
International application No. PCT/IB99/01356	Applicant's or agent's file reference PDC/20774.01
International filing date (day/month/year) 20 July 1999 (20.07.99)	Priority date (day/month/year) 20 July 1998 (20.07.98)
Applicant AGASSE, Bernard	

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

14 January 2000 (14.01.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Christine Carrié Telephone No.: (41-22) 338.83.38
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INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁷ :

H04N 7/16, 5/445, 7/173

A1

(11) International Publication Number:

WO 00/05887

(43) International Publication Date:

3 February 2000 (03.02.00)

(21) International Application Number: PCT/IB99/01356

(22) International Filing Date: 20 July 1999 (20.07.99)

(30) Priority Data:

98401837.4

20 July 1998 (20.07.98)

EP

(71) Applicant (for all designated States except US): CANAL+ SOCIETE ANONYME [FR/FR]; 85/89, quai Andre Citroen, F-75711 Paris Cedex 15 (FR).

(72) Inventor; and

(75) Inventor/Applicant (for US only): AGASSE, Bernard [FR/FR]; Les Aquarelles 1, Les Raynes Brunes, F-95610 Eragny/oise (FR).

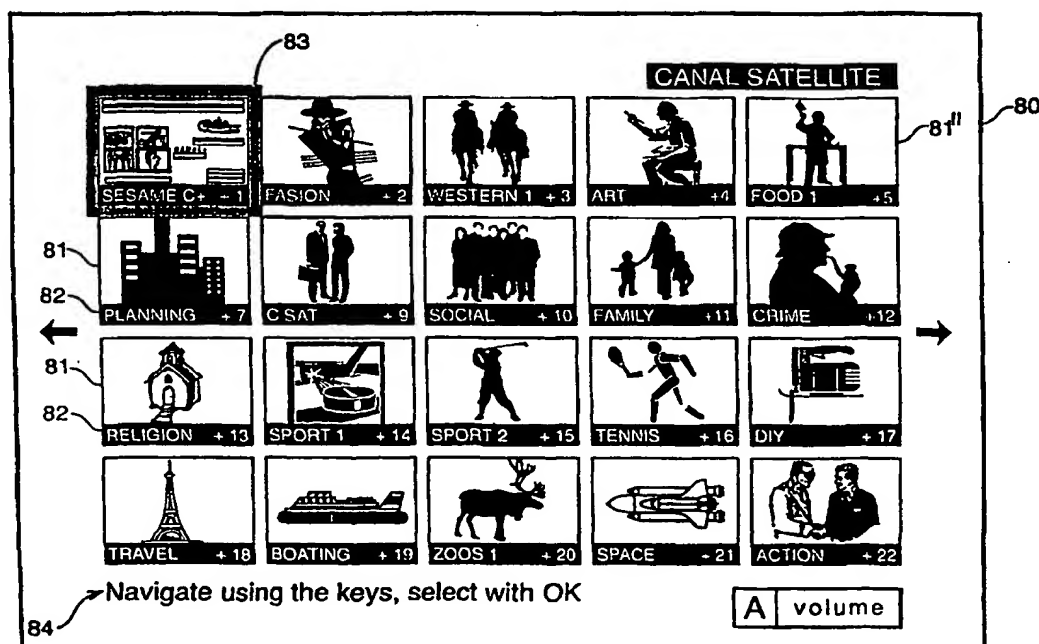
(74) Agents: COZENS, Paul, Dennis et al.; Mathys & Squire, 100 Gray's Inn Road, London WC1X 8AL (GB).

(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

Published

With international search report.

(54) Title: NAVIGATION SYSTEM FOR A MULTICHANNEL DIGITAL TELEVISION SYSTEM



(57) Abstract

The present invention provides a digital television system characterised in that access rights to a programme or channel are received and analysed by the decoder in determining whether to permit or prohibit full audio and visual access by the user to that programme or channel when displayed in a mosaic window.

FOR THE PURPOSES OF INFORMATION ONLY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PDC/20774.01	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 99/01356	International filing date (day/month/year) 20/07/1999	(Earliest) Priority Date (day/month/year) 20/07/1998
Applicant CANAL+SOCIETE ANONYME et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. 4



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

T/IB 99/01356

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04N7/16 H04N5/445 H04N7/173

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 0 725 538 A (SONY CORP) 7 August 1996 (1996-08-07) column 8, line 15 - line 24 column 12, line 7 - line 20 column 24, line 23 - line 52 column 25, line 40 - line 49 column 27, line 44 - line 55 --- -/--	40-46, 88-94 1,3,7, 12,15, 51,56, 60,63



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

12 November 1999

Date of mailing of the international search report

18/11/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Sindic, G

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 99/01356

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>WO 96 37996 A (WEBBER ALUN DAVID ;CROSSLEY ROBIN (GB); HOLLIDAY DAVID (GB); BRITI) 28 November 1996 (1996-11-28)</p> <p>page 11, line 9 - line 14 page 21, line 15 - line 18 page 30, line 21 - line 24 page 34, line 1 -page 35, line 22 page 39, line 8 - line 15 page 40, line 6 - line 17 page 46, line 8 -page 47, line 12</p> <p>---</p>	<p>1-3, 12-37, 40,43, 50-53, 60-85, 88,91, 98-100</p>
A	<p>WO 96 13120 A (THOMSON CONSUMER ELECTRONICS) 2 May 1996 (1996-05-02)</p> <p>page 1, line 30 -page 3, line 7</p> <p>---</p>	<p>1,5,12, 13,15, 51,54, 60,61,63</p>
A	<p>WO 95 15646 A (THOMSON CONSUMER ELECTRONICS ;STEYER JEAN MARIE (FR); MAETZ YVES () 8 June 1995 (1995-06-08)</p> <p>page 1, line 26 - line 37 page 5, line 14 -page 6, line 2 page 9, line 26 -page 11, line 10</p> <p>-----</p>	<p>1,21-23, 32,33, 51, 69-71, 80,81</p>

INTERNATIONAL SEARCH REPORT

International Application No

Information on patent family members

PCT/IB 99/01356

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0725538	A	07-08-1996	JP 8279995 A	22-10-1996
			US 5926230 A	20-07-1999

WO 9637996	A	28-11-1996	AU 5774296 A	11-12-1996
			CA 2221754 A	28-11-1996
			EP 0827668 A	11-03-1998
			JP 11505978 T	25-05-1999
			NO 975290 A	21-01-1998

WO 9613120	A	02-05-1996	EP 0788711 A	13-08-1997
			JP 10507890 T	28-07-1998
			US 5841483 A	24-11-1998

WO 9515646	A	08-06-1995	FR 2713427 A	09-06-1995
			DE 69420715 D	21-10-1999
			EP 0694242 A	31-01-1996
			JP 8506469 T	09-07-1996
			US 5822014 A	13-10-1998

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REC'D 12 JUL 2000

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PDC/20774.01	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB99/01356	International filing date (day/month/year) 20/07/1999	Priority date (day/month/year) 20/07/1998
International Patent Classification (IPC) or national classification and IPC H04N7/16		
Applicant CANAL+SOCIETE ANONYME et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 9 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14/01/2000	Date of completion of this report 11.07.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Schinnerl, A Telephone No. +49 89 2399 8609 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB99/01356

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-35 as originally filed

Claims, No.:

1-100 as originally filed

Drawings, sheets:

1-15 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
☒ claims Nos. 99, 100.

because:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB99/01356

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 99,100 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos.

1-11,15,16,20,28-39,41,42,44-49,51-59,61-64,66-68,70,71,75-87,89,90,92-97.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB99/01356

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-11,15,16,20,28-39,41,42,44-49,51-59,61-64,66-68,70,71,75-87,89,90,92-97
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-11,15,16,20,28-39,41,42,44-49,51-59,61-64,66-68,70,71,75-87,89,90,92-97
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-11,15,16,20,28-39,41,42,44-49,51-59,61-64,66-68,70,71,75-87,89,90,92-97
	No:	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01356

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 99 and 100 merely refer to the description and the drawings. The scope of protection of these claims is not defined by technical features. Since the description and the drawings describe various different decoders and methods, the scope of protection of these claims can not be determined.

Re Item IV

Lack of unity of invention

1. Reference is made to the following document:

D1: EP-A-0 725 538

2. The application lacks unity within the meaning of Rule 13.1 PCT for the following reasons:

- 2.1 The common concept linking together the independent claims 1, 24, 40, 51, 72 and 88 is that a plurality of digital television channels are displayed in respective windows of a mosaic formation.

This common concept is not novel, see document D1, abstract.

- 2.2 The common concept linking together the independent claims 12, 17, 21, 43, 50, 60, 65, 69, 91 and 97 is that a plurality of digital television channels are displayed in respective windows of a mosaic formation **and** that a cursor for display with the

mosaic formation is generated.

This common concept is not novel either (see document D1, abstract, column 25, lines 40-49, figure 20).

3. The special technical features, representing the contribution over the prior art as described in document D1, of claims 1, 12, 17, 21, 24, 51, 60, 65, 69 and 72 are as follows:

- 3.1 Claims 1 and 51: Prohibiting full audio and video access according to received access rights.
Claims 12 and 60: Changing an attribute of the cursor.
Claims 17 and 65: Generating a display comprising information regarding the programme displayed in the desired window upon selection of the desired window.
Claims 21 and 69: Generating a display comprising forthcoming programme schedule for the channel displayed in the desired window upon selection of the desired window.
Claims 24 and 72: Generating a display comprising a plurality of pictorial images associated with respective forthcoming programmes.
- 3.2 None of the features identified for one group of claims mentioned above in point 3.1 or any corresponding technical features are present in the remaining groups of independent of claims mentioned in point 3.1, respectively, so that the technical relationship between the subject-matter of the above groups of claims required by Rule 13.2 PCT is lacking, and the requirement for unity of invention referred to in Rule 13.1 PCT is not fulfilled.
- 3.3 The subject-matter of independent claims 40, 43, 88 and 91 and dependent claims 41, 42, 44-46, 89, 90 and 92-94 is known from document D1 (see in particular the abstract; column 11, line 52 - column 12, line 20; column 24, lines 23-52). The subject-matter of claims 47 and 95 does not involve an inventive step, because it is completely obvious to the skilled person, who knows from document D1 that programs of the same category are grouped together, to

group PPV channels (which are not explicitly mentioned in D1) together. The requisite unity of invention (Rule 13.1 PCT) therefore does not exist inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-matter of dependent claims 48 and 96 on the one hand and the groups of independent claims identified in point 3.1.

- 3.4 The subject-matter of independent claims 50 and 98 is known from document D1 (see in particular the abstract; column 25, lines 40-49; column 27, lines 44-55; figures 3, 7 and 20). The individual mosaic windows in D1 are considered as interactive applications, because upon selection of a window an interactive application, e.g. providing sound corresponding to the programme of the selected window (see column 27, lines 44-55), is executed. It is noted that if the interactive application was a special technical feature, representing the contribution over the prior art as described in document D1, claims 50 and 98 also would lack unity for the reasons mentioned in point 3.2.

4. Therefore, the following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

- I. Claims 1-11, 15, 16, 20, 28-39, 41, 42, 44-49, 51-59, 61-64, 66-68, 70, 71, 75-87, 89, 90, 92-97
- II. Claims 12-16, 20, 30-39, 41, 42, 44-49, 60-64, 66-68, 70, 71, 75-87, 89, 90, 92-97
- III. Claims 17-19, 30-39, 41, 42, 44-49, 65-67, 78-87, 89, 90, 92-97
- IV. Claims 21-23, 27, 30-39, 41, 42, 44-49, 69-71, 75, 78-87, 89, 90, 92-97
- V. Claims 24-39, 41, 42, 44-49, 72-75, 78-87, 89, 90, 92-97
- VI. Claims 40-49, 88-97

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or

industrial applicability; citations and explanations supporting such statement

1. Document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses that a plurality of digital television channels are displayed in respective windows of a mosaic formation. If a window of the mosaic formation is selected by a cursor, the viewer can listen to the sound corresponding to the programme of this selected window. The further available documents are more remote than document D1.

The subject-matter of the independent claims 1 and 51 differs from this prior art in that access rights to one of a programme and a channel are received and full audio and visual access by the user to said one of a programme and a channel is prohibited when displayed in a said window according to the received access rights.

Such a technique is neither known nor rendered obvious by the available prior art documents and therefore the requirements of Articles 33(2) and 33(3) are met.

Dependent claims 2-11, 15, 16, 20, 28-39, 41, 42, 44-49, 52-59, 61-64, 66-68, 70, 71, 75-87, 89, 90, 92-97 are related to embodiments of the invention according to claims 1 and 51 and also meet the requirements of Articles 33(2) and 33(3) PCT.

2. Industrial applicability: in the field of multichannel digital television systems.

Re Item VII

Certain defects in the international application

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01356

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 is not mentioned in the description, nor are these documents identified therein.
2. The description is not in conformity with the claims as required by Rule 5.1(a)(iii) PCT.
3. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefor should be provided in the letter of reply. In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of the independent claims are already known in combination from the document D1 (see the PCT Guidelines, III-2.3a).
4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To: COZENS, Paul, Dennis Mathys & Squire 100 Gray's Inn Road London WC1X 8AL GRANDE BRETAGNE	RECEIVED MATHYS & SQUIRE 26 MAY 2000 REPLY DATE 24/8/2000 Reply Written Open Rep OA 24/6	Date of mailing (day/month/year) 24.05.2000 REPLY DUE within 3 month(s) from the above date of mailing
Applicant's or agent's file reference PDC/20774.01		
International application No. PCT/IB99/01356	International filing date (day/month/year) 20/07/1999	Priority date (day/month/year) 20/07/1998
International Patent Classification (IPC) or both national classification and IPC H04N7/16		
Applicant CANAL+SOCIETE ANONYME et al.		

1. This written opinion is the first drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☒ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain document cited
 - VII ☒ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
 For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
 For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 20/11/2000.

Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer / Examiner Schinnerl, A Formalities officer (incl. extension of time limits) Scaglia, F Telephone No. +49 89 2399 2836
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WRITTEN OPINION

International application No. PCT/IB99/01356

I. Basis of the opinion

1. This opinion has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*):

Description, pages:

1-35 as originally filed

Claims, No.:

1-100 as originally filed

Drawings, sheets:

1-15 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 99,100,

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 99,100 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

IV. Lack of unity of invention

1. In response to the invitation (Form PCT/IPEA/405) to restrict or pay additional fees, the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with for the following reasons and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees:

3. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this opinion:

- ☐ all parts.
- ☒ the parts relating to claims Nos.
1-11,15,16,20,28-39,41,42,44-49,51-59,61-64,66-68,70,71,75-87,89,90,92-97.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,51
Inventive step (IS)	Claims	2-11,15,16,20,28-39,41,42,44-49,52-59,61-64,66-68,70,71,75-87,89,90,92-97
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet****VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 99 and 100 merely refer to the description and the drawings. The scope of protection of these claims is not defined by technical features. Since the description and the drawings describe various different decoders and methods, the scope of protection of these claims can not be determined.

Re Item IV

Lack of unity of invention

1. Reference is made to the following document:

D1: EP-A-0 725 538

2. The application lacks unity within the meaning of Rule 13.1 PCT for the following reasons:
 - 2.1 The common concept linking together the independent claims 1, 24, 40, 51, 72 and 88 is that a plurality of digital television channels are displayed in respective windows of a mosaic formation.

This common concept is not novel, see document D1, abstract.

- 2.2 The common concept linking together the independent claims 12, 17, 21, 43, 50, 60, 65, 69, 91 and 97 is that a plurality of digital television channels are displayed in respective windows of a mosaic formation **and** that a cursor for display with the mosaic formation is generated.

This common concept is not novel either (see document D1, abstract, column 25, lines 40-49, figure 20).

3. The special technical features, representing the contribution over the prior art as described in document D1, of claims 1, 12, 17, 21, 24, 51, 60, 65, 69 and 72 are as follows:

- 3.1 Claims 1 and 51: Prohibiting full audio and video access according to received access rights.
- Claims 12 and 60: Changing an attribute of the cursor.
- Claims 17 and 65: Generating a display comprising information regarding the programme displayed in the desired window upon selection of the desired window.
- Claims 21 and 69: Generating a display comprising forthcoming programme schedule for the channel displayed in the desired window upon selection of the desired window.
- Claims 24 and 72: Generating a display comprising a plurality of pictorial images associated with respective forthcoming programmes.

- 3.2 None of the features identified for one group of claims mentioned above in point 3.1 or any corresponding technical features are present in the remaining groups of independent of claims mentioned in point 3.1, respectively, so that the technical relationship between the subject-matter of the above groups of claims required by Rule 13.2 PCT is lacking, and the requirement for unity of invention referred to in Rule 13.1 PCT is not fulfilled.

- 3.3 The subject-matter of independent claims 40, 43, 88 and 91 and dependent claims 41, 42, 44-46, 89, 90 and 92-94 is known from document D1 (see in particular the abstract; column 11, line 52 - column 12, line 20; column 24, lines

23-52). The subject-matter of claims 47 and 95 does not involve an inventive step, because it is completely obvious to the skilled person, who knows from document D1 that programs of the same category are grouped together, to group PPV channels (which are not explicitly mentioned in D1) together. The requisite unity of invention (Rule 13.1 PCT) therefore does not exist inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-matter of dependent claims 48 and 96 on the one hand and the groups of independent claims identified in point 3.1.

3.4 The subject-matter of independent claims 50 and 98 is known from document D1 (see in particular the abstract; column 25, lines 40-49; column 27, lines 44-55; figures 3, 7 and 20). The individual mosaic windows in D1 are considered as interactive applications, because upon selection of a window an interactive application, e.g. providing sound corresponding to the programme of the selected window (see column 27, lines 44-55), is executed. It is noted that if the interactive application was a special technical feature, representing the contribution over the prior art as described in document D1, claims 50 and 98 also would lack unity for the reasons mentioned in point 3.2.

4. Therefore, the following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

- I. Claims 1-11, 15, 16, 20, 28-39, 41, 42, 44-49, 51-59, 61-64, 66-68, 70, 71, 75-87, 89, 90, 92-97
- II. Claims 12-16, 20, 30-39, 41, 42, 44-49, 60-64, 66-68, 70, 71, 75-87, 89, 90, 92-97
- III. Claims 17-19, 30-39, 41, 42, 44-49, 65-67, 78-87, 89, 90, 92-97
- IV. Claims 21-23, 27, 30-39, 41, 42, 44-49, 69-71, 75, 78-87, 89, 90, 92-97
- V. Claims 24-39, 41, 42, 44-49, 72-75, 78-87, 89, 90, 92-97
- VI. Claims 40-49, 88-97

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-0 725 538

D2: WO-A-96 37996

D3: WO-A-96 13120

2. The subject-matter of claims 1 and 51 lacks novelty (Article 33(2) PCT).

The document D2 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

a decoder for controlling the display of a plurality of digital television channels in respective windows of a mosaic formation (page 34, line 1 - page 35, line 22; figure 11), said decoder comprising means for receiving access rights to one of a programme and a channel (page 39, lines 8-15; page 11, lines 9-14), and means for prohibiting full audio and visual access by the user to said one of a programme and a channel when displayed in a said window according to the received access rights (page 39, lines 8-15; page 11, lines 9-14).

Therefore, document D2 discloses a decoder falling within the terms of claim 1.

This objection applies equally to the closely related method claim 51.

3. Dependent claims 2-11, 15, 16, 20, 28-39, 41, 42, 44-49, 52-59, 61-64, 66-68, 70, 71, 75-87, 89, 90, 92-97 do not appear to contain any additional features which, in combination with the features of any claim of the invention I (see section IV, point 4 of this report) to which they refer, involve an inventive step (Article 33(3) PCT) because these claims concern commonplace features which are either disclosed

in the documents cited in the European Search Report (e.g. claims 3: D2, page 39, lines 8-15; claims 4 and 53: D2, page 34, line 26 - page 35, line 6; claims 5 and 54: D3, abstract, figure 1; claims 15, 16 and 64: D2, page 35, lines 10-22; claims 28, 29, 76 and 77: D2, page 39, lines 8-15; claims 41, 42, 44, 46, 89, 90, 92-94: D1, abstract, column 11, line 52 - column 12, line 20, column 24, lines 23-52) or obvious to a skilled person.

Re Item VII

Certain defects in the international application

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.
2. The description is not in conformity with the claims as required by Rule 5.1(a)(iii) PCT.
3. The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D2) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

If, however, the applicant is of the opinion that the two-part form would be inappropriate, then reasons therefor should be provided in the letter of reply. In addition, the applicant should ensure that it is clear from the description which features of the subject-matter of the independent claims are already known in combination from the document D2 (see the PCT Guidelines, III-2.3a).

4. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
5. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

6. The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.



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